

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

BENJAMIN PAEZ,

Plaintiff,

vs.

M. J. NUTSCH, NSP Troop E. Badge # 321;

Defendant.

4:20CV3108

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's oral motion for the appointment of counsel made at the pretrial conference on August 16, 2022. Filing No. 44 (text oral motion). This matter is presently set for bench trial on January 10, 2023. Upon careful consideration, the Court concludes that Plaintiff and the Court would benefit from the appointment of counsel at this stage in the matter. See *Chambers v. Pennycook*, 641 F.3d 898, 909 (8th Cir. 2011) (A district court may "recruit counsel for an indigent person in appropriate circumstances," 28 U.S.C. § 1915(e)(1), and "[t]he court has a good deal of discretion to determine whether representation is warranted given the nature of the case and the litigants.").

IT IS THEREFORE ORDERED that:

1. Plaintiff's motion for the appointment of counsel, Filing No. 44 (text oral motion), is granted.
2. With thanks for accepting the appointment, Mr. Stuart Dornan, Ms. Taylor Renfro, and the Dornan, Troia, Howard, Breitkreutz, Conway, & Dahlquist Law Firm are hereby appointed to represent Plaintiff Benjamin Paez in this matter.¹

¹ The undersigned has been authorized by the Chief Judge to appoint counsel pursuant to the Amended Plans for the Administration of the Federal Practice Fund and the Federal Practice Committee.

3. Mr. Dornan, Ms. Renfro, and/or any other counsel from the Dornan, Troia, Howard, Breitkreutz, Conway, & Dahlquist Law Firm are directed to promptly enter their appearance as counsel in this case.

4. Upon entry of counsel's appearance in CM/ECF, the Clerk of Court shall immediately pay from the Federal Practice Fund the sum of \$1,000 to the Dornan, Troia, Howard, Breitkreutz, Conway, & Dahlquist Law Firm.

5. A second and last installment of \$1,000 shall become due and payable to the Dornan, Troia, Howard, Breitkreutz, Conway, & Dahlquist Law Firm upon the entry of judgment or other closing documents in the case.

6. Subject to the prior approval of the Court, counsel may incur reasonable expenses when representing Plaintiff in accordance with the Amended Plans for the Administration of the Federal Practice Fund and the Federal Practice Committee. See also NEGenR [1.7\(g\)](#) and NECivR [54.3-54.4](#).

7. Should Plaintiff succeed, and counsel be awarded attorney fees and expenses that exceed \$2,000 plus expenses, counsel shall reimburse the Federal Practice Fund for the fees and expenses paid from the fund.

8. Counsel for Plaintiff is appointed to assist Plaintiff with the trial of this case scheduled for January 10, 2023. The appointment will not extend to any appeal after trial.

Dated this 16th day of September, 2022.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Judge